



CITY OF MEMPHIS

COUNCIL AGENDA

December 2, 2008

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (November 18, 2008)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

PUBLIC HEARINGS (None)

DIVISION OF PLANNING & DEVELOPMENT (None)

ZONING ORDINANCES – THIRD AND FINAL READING

1. **ORDINANCE** rezoning the south side of Holmes Road, 991 feet east of Lamar Avenue (U.S. Highway 78), containing 3.490 acres in the Agricultural (AG) District, up for **T H I R D** and **F I N A L** reading.

Hedgepeth

Ordinance No. 5283

Case No. Z 08-109

Applicant: Couch Realty Investments, LLC
Dianne Baldi, Construction Eng. Services, Inc. – Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

21 NOTICES WERE MAILED ON NOVEMBER 21, 2008

2. **ORDINANCE** to amend zoning regulations to adopt definitions for Financial Services, Payday Loan Establishments and Title Loan Establishments and to create new use categories for Payday Loan Establishments and Title Loan Establishments and to establish location and distance separation requirements for Payday and Title Loan Establishments, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5284

Case No. ZTA 08-001cc

ACTION REQUESTED: Take whatever action Council deems advisable



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCES - SECOND READING

3. **ORDINANCE** to amend Cable Franchise Ordinance No. 4159, extending the Franchise Ordinance, as amended, through June 16, 2009, up for S E C O N D reading.
Lowery Ordinance No. 5286

ACTION REQUESTED: Adopt the ordinance on Second reading

4. **ORDINANCE** to amend previous Ordinance No. 4388, codified as City Code, Title 6, Chapter 6-92, Section 6-92-1, ET SEQ., so as to revise Section 6-92-11, Subsection (A) to allow said Title 6, Chapter 6-92 to remain in full and effect until June 30, 2009, up for S E C O N D reading.
Flinn Ordinance No. 5287

ACTION REQUESTED: Adopt the ordinance on Second reading

5. **ORDINANCE** to establish Meeting Dates for City Council Meetings in 2009, up for S E C O N D reading.
Lowery Ordinance No. 5288

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

6. **ORDINANCE** rezoning the west side of Warford Street; \pm 151 feet north of Heard Avenue, containing 13.74 acres in the Vacant land area ~ Local Commercial (C-L) District, up for F I R S T reading.
Hedgepeth Ordinance No. 5289
Case No. Z 08-112

Applicant: Shelby County Government
Shelby County Government – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

7. RESOLUTION approving final plat of FLEMING STEAKHOUSE PD, 1ST AMENDMENT.

Case No. PD 08-321

Resolution approves the final plat located on the southside of Poplar Ave., 670' W/o Massey Road. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION accepting FRONT BLUFF SUBDIVISION, and authorizing release of bond.

Case No. S 05-002
(Contract No. CR-4984)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the corner of South Front Street and Vance Avenue. The standard improvement contract was approved. Resolution also authorizes the release of the letter of credit in the amount of \$51,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION accepting SHELBY PARK PD, PHASE 2, and authorizing release of bond.

Case No. PD 03-361cc
(Contract No. CR-5042)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the terminus of Mullins Station Road and Raleigh LaGrange. The standard improvement contract was approved on October 17, 2006. Resolution also authorizes the release of the letter of credit in the amount of \$43,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

10. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 08-322 – SOUTH PERKINS PLANNED DEVELOPMENT, 5TH AMENDMENT

Located on the east side of S. Perkins Road; +/-241 feet north of Spottswood Avenue, containing 1.35 acres and is currently governed by P.D. 00-333

Applicants: Frank N. Stanley, III & Harry Day
Farris, Bobango, Branan, PLC-Homer Branan, III – Representative

Request: Planned development amendment to allow a restaurant with a maximum seating capacity of seventy-five(75) seats

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 08-323

Located on the north side of Tournament Drive; +1,070 feet west of Hacks Cross Road, containing 27.4 acres in the Agricultural Flood Plain (AG{FP}) District

Applicant: Clark & Clark (Ben Clark)
ETI Corporation (Ralph Smith) – Representative

Request: Amend Part of Area D and all of Area E to permit Multi-Family Residential

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 08-325

Located on the northwest corner of Mulberry Street and Talbot Street, containing 0.30 acre in the South Main (SM) and Historic Preservation [HP] Districts

Applicant: Michael Kisber
Ron Harkavy – Representative

Request: A Planned Development to permit the storage of classic automobiles in the existing building; and setup an area for future development as mixed use commercial, office and/or residential

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. SUP 08-222

Located on the southeast corner of Millbranch Road and Kilarney Avenue, containing 1.64 acres in the Single Family Residential (R-S8) District

Applicant: Alex & Irene Howard

Request: Site Plan Revision for Day Care Center

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: December 16, 2008



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MLGW FISCAL CONSENT

11. RESOLUTION awarding Contract No. 11279, Third Party Administrator for Workers' Compensation, to Brentwood Services Administrators, Inc. in the funded amount of \$85,000.00.
12. RESOLUTION awarding Contract No. 11292, Cashiering System Replacement, to System Innovators, Inc. in the funded amount of \$225,000.00.
13. RESOLUTION awarding Contract No. 11296, Enterprise GIS Software Selection and Installation, to ESRI, for purchase of a three-year discounted software and support agreement, in the funded amount of \$714,705.00.
14. RESOLUTION awarding Contract No. 11307, PBX Maintenance, to Black Box Network Services in the funded amount of \$636,752.85.
15. RESOLUTION approving Change No. 5 to Contract No. 10681, Peak Period Call Management System, with Twenty First Century Communication, Inc. in the funded amount of \$85,470.00. (This covers a change to the IVR menu for taking electrical outage calls, including a more user-friendly customer menu, the option to transfer to a live Service Advisor, and direct connection to the CARES database for quicker outage updates.)
16. RESOLUTION approving Change No. 8 to Contract No. 10924, Revenue Protection, with CDA, Inc. in the funded amount of \$75,000.00. (This extends the current contract for a 90-day period, January 1, 2009 to March 31, 2009.)
17. RESOLUTION approving Change No. 4 to Contract No. 11026, Division Audit, with Watkins Uiberall, PLLC, in the amount of \$268,000.00. (This increases the contract value in the amount of \$10,000.00 until the end of the current term, and renews the contract for the fourth and final renewal term, December 17, 2008 to December 16, 2009, in the amount of \$258,000.00.)
18. RESOLUTION approving Change No. 3 to Contract No. 11051, Roof Maintenance, with B Four Plid, Inc. in the funded amount of \$60,000.00. (This renews the contract for the third of four renewal terms, January 1, 2009 to December 31, 2009.)
19. RESOLUTION approving Change No. 3 to Contract No. 11053, Armored Car Services, with Dunbar Armored Car Services in the funded amount of \$14,000.00. (This extends the current contract for a 90-day period, December 19, 2008 to March 18, 2009.)

20. RESOLUTION approving Change No. 3 to Contract No. 11109, Systems Furniture, with Corporate Express & Staples Company, in the funded amount of \$278,571.00. (This renews the contract for the second of four renewal terms, January 1, 2009 to December 31, 2009.)
21. RESOLUTION approving Change No. 4 to Contract No. 11121, Customer Satisfaction Survey Process, with Renee Enterprises in the funded amount of \$35,334.00. (This renews the contract for the second of four renewal terms, January 1, 2009 to December 31, 2009.)
22. RESOLUTION approving Change No. 1 to Contract No. 11148, Professional Engineering Services, with SSR Ellers, Inc., in the funded amount of \$100,000.00. (This renews the contract for the first of four renewal terms, January 1, 2009 to December 31, 2009.)
23. RESOLUTION approving Change No. 1 to Contract No. 11173, Welding Testing and Inspection Services, with American Industrial Testing in the funded amount of \$24,125.00. (This renews the contract for the first of four renewal terms, January 1, 2009 to December 31, 2009.)
24. RESOLUTION approving Change No. 1 to Contract No. 11214, Information Services Support, with Delta Consulting, in the funded amount of \$312,250.00. (This renews the contract for the first of four renewal terms, January 1, 2009 to December 31, 2009.)
25. RESOLUTION approving Change No. 1 to Contract No. 11230, Professional Engineering Services, with Thompson Engineers, Inc. in the funded amount of \$50,000.00. (This renews the contract for the first of four renewal terms, January 1, 2009 to December 31, 2009.)
26. RESOLUTION approving Change No. 1 to Contract No. 11231, Professional Engineering Services, with Branham and Lloyd, LLC, in the funded amount of \$50,000.00. (This renews the contract for the first of four renewal terms, January 1, 2009 to December 31, 2009.)
27. RESOLUTION approving Change No. 1 to Contract No. 11266, Information Services Support, with Zycron in the funded amount of \$259,528.80. (This renews the contract for the first of four renewal terms, January 1, 2009 to December 31, 2009.)
28. RESOLUTION approving Change No. 1 to Contract No. 11267, Information Services Support, with Stragistics Technology in the funded amount of \$234,259.20. (This renews the contract for the first of four renewal terms, January 1, 2009 to December 31, 2009.)
29. RESOLUTION approving Change No. 2 to Contract No. 11268, Information Services Support, with Nextech Solutions in the funded amount of \$728,906.00. (This renews the contract for the first of four renewal terms, January 1, 2009 to December 31, 2009.)
30. RESOLUTION approving Change No. 1 to Contract No. 11269, Information Services Support, with Software Resource Consultants in the funded amount of \$288,200.00. (This renews the contract for the first of four renewal terms, January 1, 2009 to December 31, 2009.)
31. RESOLUTION approving Change No. 1 to Contract No. 11270, Information Services Support, with Cook Systems International in the funded amount of \$253,000.00. (This renews the contract for the first of four renewal terms, January 1, 2009 to December 31, 2009.)
32. RESOLUTION approving Change No. 2 to Contract No. 11271, Information Services Support, with TEK Systems in the funded amount of \$866,235.00. (This renews the contract for the first of four renewal terms, January 1, 2009 to December 31, 2009.)

33. RESOLUTION approving Change No. 2 to Contract No. 11272, Information Services Support, with Ciber, Inc. in the funded amount of \$608,180.00. (This renews the contract for the first of four renewal terms, January 1, 2009 to December 31, 2009.)
34. RESOLUTION awarding contract for two three-reel conductor trailers to Ditch Witch Mid-South in the amount of \$56,678.44.
35. RESOLUTION awarding contract for 60-month supply of concrete manhole sections to Sherman Dixie Concrete Industries, Inc. in the amount of \$3,149,634.01, approximately.
36. RESOLUTION awarding contract for paper-insulated lead-covered copper conductor, polyethylene-jacketed cable to The Okonite Company in the amount of \$1,697,607.02, approximately.
37. RESOLUTION awarding contract for 200 electronic volume correcting devices (EVCD) to Mercury Instruments in the amount of \$224,900.00.
38. RESOLUTION awarding contract for metal-clad switchgear to AZZ/Central Electric in the amount of \$2,188,529.00.
39. RESOLUTION awarding contract for meter reading handheld devices, docking stations and mobile collector to Itron, Inc. in the amount of \$449,538.00.
40. RESOLUTION approving payment of Ad Valorem taxes in the amount of \$158,614.60 on 3.75 billion cubic feet of natural gas stored in the Epps Storage field in East and West Carroll parishes in Louisiana.
41. RESOLUTION approving renewal of Contract No. 10991 between MLGW and ANR Pipeline Company, in the amount of \$128,000.00 approximately.
42. RESOLUTION giving contract authority to MLGW's General Counsel to pay claims settlements.



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REGULAR AGENDA

43.
Flinn

APPOINTMENTS

Health, Education & Housing Facility Board

Appointments

Roshun Austin
Lee A. Warren
Nancy C. Willis

Reappointments

Deborah H. Cotney
Monice Moore Hagler
Florine Hinds
Clyde (Lee) Patton III
Daniel Reid
Carolyn Stearnes

GENERAL ORDINANCE – THIRD AND FINAL READING

44.
Hedgepeth

ORDINANCE adopting the 2003 edition of the International Code Council Residential Building Code and providing for its implementation by amendment to the Memphis and Shelby County Building Code and to establish an effective date, up for T H I R D and F I N A L reading.

Ordinance No. 5285

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

45. RESOLUTION authorizing the sale of City owned Property, located at Hale and Tillman in the Binghampton Area, in the amount of \$1.00. 19 Parcels to Lakeview Estates, LP. (03702900002) (03702900003) (03702900004) (03702900005) (03702900008) (03702900009) (03702900010) (03702900011) (03703200005) (03703200006) (03703200007) (03703200010) (03703200011) (03703200012)(03703200013) (03703200014) (03703200015) (03703200017) (03703200018)

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

46. RESOLUTION authorizing the sale of City owned property located at Tchulahoma (07308800108) in the South Memphis Area to Live Life Development LLC in the amount of One Dollar (\$1.00).

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

47. RESOLUTION authorizing the sale of City owned property located at 935 Leath (00270120006), 955 Leath (02701200019), 965 Leath (02701000027), 963 Leath (02701000028), 953 Leath (02701200002), 947 Leath (02701200003) and 943 Leath (02701200004), in the North Memphis Area to Live Life Development LLC in the amount of One Dollar (\$1.00).

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION authorizing the sale of City owned property located at 698 Looney (0011000010) in the North Memphis Area to Holy Names of Jesus and Mary School, in the amount of One Dollar (\$1.00).

Ford

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES

49. JOINT RESOLUTION of the Board of County Commissioners and Memphis City Council approving the Appointment of Doug Edwards, Nathan Essex, Gerald Thornton, Deputy Chief Jim Tousant, J.D. Sewell, Chief Deputy Bill Oldham and Dan Chapman, to the Memphis and Shelby County Public Safety Commission.

Flinn&
Hedgepeth

ACTION REQUESTED: Adopt the resolution

LAW DIVISION (None)

MLGW DIVISION

50. RESOLUTION approving release and settlement of claims by Joseph Lee, III in the amount of \$426,422.33. **(This item was pulled from the Minutes of 10/7 on 10/21 and sent back to the MLGW Committee and back on the full agenda on 11/4)** (Held from 11/4).

Ware

ACTION REQUESTED: Adopt the resolution

PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES (None)

51. RESOLUTION approving a lease agreement with T E Products Pipeline Company, LLC ("TEPPCO"), as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on June 24, 2008.

Collins

Contract No. CR-5128

ACTION REQUESTED: Adopt the resolution

52. RESOLUTION approving a lease agreement with Valero MKS Logistics L.L.C. ("Valero"), as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on July 24, 2008.

Collins

Contract No. CR-5129

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

53. RESOLUTION amending the FY 2009 Capital Improvement Budget by transferring an allocation and appropriating \$416,609.00 funded by G.O. Bonds from ADA Curb Ramp, project number PW04007 to ADA Curb Ramps Group 38, project number PW04070 to install handicap ramps and for a construction contract with Dixieland Contractors, Inc.

Morrison

54. RESOLUTION amending the FY 2009 Capital Improvement Budget by transferring an allocation and appropriating \$409,187.00 funded by G.O. Bonds from ADA Curb Ramp, project number PW04007 to ADA Curb Ramps Group 37, project number PW04069 to install handicap ramps and for a construction contract with Dixieland Contractors, Inc.

Morrison

ACTION REQUESTED: Adopt the resolution

55. RESOLUTION amending the FY 2009 Capital Improvement Budget by transferring an allocation and appropriating \$414,827.00 funded by G.O. Bonds from ADA Curb Ramp, project number PW04007 to ADA Curb Ramps Group 39, project number PW04071 to install handicap ramps and for a construction contract with Dixieland Contractors, Inc.

Morrison

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM

56. RESOLUTION amending the Fiscal Year 2009 O&M Budget to appropriate a one-time, gratuitous, non-recurring appropriation of \$2.4 million for Memphis City Schools to assist with the funding needs of Memphis Literacy Corp and the Summer Reading Clinic. (Held from 11/4;11/18)

Halbert

ACTION REQUESTED: Adopt the resolution

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Approved
2. Approved, as amended
3. Through 9 – Approved
10. Public Hearing set for December 16, 2008
11. Through 41 – Approved
42. Dropped
43. and 44 – Approved
45. Through 47 – Held to December 16, 2008
48. and 49 – Approved
50. Failed
51. Held to January 6, 2009
52. Through 55 – Approved
56. Held to December 16, 2008

ACTION TAKEN ON THE MINUTES OF NOVEMBER 18, 2008

Approved